

## Notice of Agency Rule-making Proposal

**AGENCY:** Department of Environmental Protection

**RULE TITLE OR SUBJECT:** Chapter 355 Sand Dune Rules

**PROPOSED RULE NUMBER:**

**CONCISE SUMMARY** The department is proposing amendments to Chapter 355 Sand Dune Rules. The proposed amendments would: 1) increase its comprehension by the public, municipal officials and the regulated community, principally through reformatting of the rules; 2) establish new regulatory variance provisions for new construction in frontal dunes; and 3) amend a number of definitions to improve the clarity of the rules. The department has included provisions to require that all new and reconstructed buildings in frontal dune areas and unstable back dune areas be elevated on posts or piles to allow for the free flow of water and sand. The department has also included new sections that would allow for new construction in frontal dune areas.

The first new section, Section 6(B)(5), would allow an applicant to apply for the construction of a building in a frontal dune subject to meeting specific siting and construction criteria. The rules would limit the ability to apply for a permit to only those vacant lots located in developed sand dune systems that have residential buildings located on either side. The second new section, Section 8, addresses all other vacant lots in frontal dunes and is specifically worded to address the issue of the taking of private property without compensation. Additionally, a new provision has been added to allow for the one time reconstruction of structures damaged by more than 50% by an ocean storm. Under the existing rules, rebuilding of structures damaged by more than 50% by an ocean storm is prohibited.

**THIS RULE WILL\_\_ WILL NOT\_X\_ HAVE A FISCAL IMPACT ON MUNICIPALITIES.**

**STATUTORY AUTHORITY:** 38 M. R. S. A. Section 341- D(1)

**PUBLIC HEARING :** Thursday, March 6, 2003  
Holiday Inn, Ground Round  
Augusta, Maine

**DEADLINE FOR COMMENTS:** 5:00 P. M. on March 20, 2003. Comments may be submitted by mail at the address below, by fax at (207) 287 7191 or by e-mail to Jeff.G.Madore @state.me.us

**AGENCY CONTACT PERSON:** Jeff Madore  
**AGENCY NAME:** Department of Environmental Protection  
**ADDRESS:** Bureau of Land and Water Quality  
17 State House Station  
Augusta, Maine 04333  
**TELEPHONE:** (207) 287-7848

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Please approve bottom portion of this form and  
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